

ISSUE #1

Section 1: [Article VI, Section 8] Architectural Control and Exterior Roof Equipment

No exterior solar panels, solar collectors, skylights, antennas, or mechanical equipment shall be erected, installed, or maintained upon the roof of any residential structure or anywhere upon any Lot within Meadow Ridge Subdivision without the express written waiver of the Board of Directors, which may be withheld for purely aesthetic reasons in the Board's sole and absolute discretion.

Section 2: [Article VI, Section 11] Prohibition of Signs on Lots

No sign, poster, billboard, political campaign sign, or advertising device of any kind shall be displayed to the public view on any Lot except one (1) professional real estate sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Blanket ban, sub-1-meter size cap, or prior approval requirement on satellite dishes or antennas is preempted by federal FCC OTARD regulations.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: The FCC Over-the-Air Reception Devices rule (47 C.F.R. § 1.4000, as expanded by the 2021 OTARD Report and Order, FCC 21-10) preempts community association restrictions that prohibit, charge application fees for, require prior architectural approval for, or impose sub-1-meter (39.37-inch) diameter caps on the installation, maintenance, or use of television broadcast antennas, direct-broadcast satellite dishes 1 meter or less in diameter, and fixed wireless broadband antennas (including hub and relay antennas) situated on property within the exclusive use or control of the owner/tenant.

CURRENT WORDING IN DOCUMENT:

[Article VI, Section 8] Architectural Control and Exterior Roof Equipment No exterior solar panels, solar collectors, skylights, antennas, or mechanical equipment shall be erected, installed, or maintained upon the roof of any residential structure or anywhere upon any Lot within Meadow Ridge Subdivision without the express written waiver of the Board of Directors, which may be withheld for purely aesthetic reasons in the Board's sole and absolute discretion.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Provided that this restriction shall not prohibit or require prior approval for any owner or occupant installing an antenna, fixed wireless broadband hub/relay device, or satellite dish of one meter (39.37 inches) or less in diameter within areas under the owner's or occupant's exclusive use or control, in accordance with FCC OTARD regulations (47 C.F.R. § 1.4000).